

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

OWEN W. BARNABY,
Plaintiff

)
)

Vs.

) Hon. Robert J. Jonker
) Hon. Mag. Sally J. Berens

MICHIGAN STATE GOVERNMENT, ET, AL
Defendants

) Case No. 1:22 -CV- 1146

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**Plaintiff Request to the Clerk of Court for Entry of DEFAULT Against all
Defendants Listed Below, with Affidavit, Pursuant 55.(a),**

Comes Now, Plaintiff, In Pro Se, with his, 'request for Clerk of Court to enter a Default against all named Defendants listed below, because of the Defendants' Failure to file Answers to Plaintiff's 'Second and or Third Amended Complaint (ECF Nos,10, 36) or a Rule 12 Motion. For the Grand total sum certain Default Judgment damages claim which is good through April 30, 2024, to the tune of **\$85, 944,289.20**. Plaintiff now set forth his 'request for Clerk of Court to enter Default against all named Defendants listed below, with affidavit:

1). Defendant – Hon. Alfred M. Butzbaugh, F.C.J; **2).** Defendant - Lori D. Jarvis Registrar; **3).** Defendant - Kathleen Culberson, Notary Public; **4).** Defendant – Bret Witskowski, Treasurer; **5).** Defendant – Attorney James McGovern; **6).** Defendant – Bret Witskowski, in his Individual capacity.

- 1) I request the clerk to enter the default on the parties named above for failure to plead or otherwise defend.
- 2) The defaulted parties are not infants or incompetent persons.
 - a. Plaintiff has newly learned that the Defendant – Hon. Alfred M. Butzbaugh, F.C.J is deceased, but the lawsuit is filed in his Official Capacity, as a former County Judge, and was served upon the Clerk of Berrien County Government, Ms. Sharon Tyler, on his behalf. See, (ECF Nos,159, 163).
- 3) I have no reason to believe that any of the defaulted parties are in military service. Furthermore, given their Job descriptions, Plaintiff belief the defaulted parties are not in the military service.
- 4) I Declare that this request is made on my personal knowledge and, if sworn as a witness, I can testify competently under the penalty of perjury.
- 5) The summonses and copies of Third complaint(ECF No,36) were served upon the Clerk of Berrien County Government, Ms. Sharon Tyler, on behalf of the same Defendants. See, (ECF Nos,159, 163).
- 6) I declare under the penalties of perjury that this request has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Respectfully Submitted,

Dated: April 17, 2024,

\S/ Owen W. Barnaby
Owen W. Barnaby, In Pro Se.